

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

D'Monterrio Gibson,  
Plaintiff

vs.

Cause No. 3:23-cv-54-DPJ-FKB

Federal Express Corporation, City of  
Brookhaven, Mississippi, Chief Kenny  
Collins, in his Individual and Official  
Capacity, Brandon Case, and Gregory Case,  
Defendants.

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**DEFENDANT, GREGORY CASE'S MOTION FOR STAY OF CIVIL ACTION**

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Now into Court, through counsel, comes Defendant Gregory Case ("Case") and respectfully moves this Court to issue a stay of the instant civil action until such time as the parallel criminal proceeding pending in the Circuit Court of Lincoln County, Mississippi is concluded. In support thereof, Case would show unto this Honorable Court the following:

1. On November 15, 2022, Case was indicted by the grand jury of the State of Mississippi, County of Lincoln, Circuit Court for Attempted Murder pursuant to Miss. Code Ann. §97-3-19 and 97-1-7, Conspiracy to Commit the Crime of First-Degree Murder pursuant to Miss. Code Ann. §97-3-19 and 97-1-7, and Shooting into a Motor Vehicle pursuant to Miss. Code Ann. §97-25-47. Indictment attached as Exhibit 1.
2. The Complaint was filed on January 20, 2023, asserting claims and causes of action arising from the alleged incident that occurred on or about January 24, 2022. [1].
3. Both the civil action and the criminal proceeding before the Circuit Court of Lincoln County, Mississippi arise from the same alleged events, issues and facts. [1] & Ex. 1.

4. The criminal proceeding before the Circuit Court of Lincoln County, Mississippi is currently active on the Court's docket. See docket report attached as Exhibit "2". Mr. Case is represented in the criminal proceeding by Terrell Stubbs, Esquire. This matter is awaiting a formal arraignment due to nature of the charges.

5. Discovery has not commenced in the instant civil action; no scheduling order has been entered and no case management conference has been scheduled.

6. This Court has authority to stay this civil action pending disposition of the criminal matter.

7. Six factors must be addressed in contemplation of granting a stay of a civil action that is parallel to a criminal proceeding. These factors are set forth below, and addressed fully in the Memorandum Brief in Support of this Motion:

- a. The extent to which the issues overlap;
- b. The status of the criminal case;
- c. Interest of the Plaintiff in proceeding weighted against prejudice to the Plaintiff from delay;
- d. Interest of and burden of the Defendant;
- e. Interest of the Court; and
- f. The public interest.

8. Application of the foregoing factors to the facts and issues at the nexus of both this civil action and the parallel criminal proceeding weigh in favor of granting the Defendant's Motion to Stay this civil action pending disposition of the criminal proceeding.

9. In accordance with the instant Motion and for the reasons set forth in his Memorandum Brief in Support of Said Motion, Defendant Case respectfully moves the Court for an order staying this civil action until such time as the criminal proceeding pending in the Circuit

Court of Lincoln County, Mississippi is concluded. In support of this Motion, Defendant relies upon the court record and submits the following Exhibits:

- Exhibit 1: Indictment in Cause No. 2022-cr-00159 in the Circuit Court of Lincoln County, Mississippi styled *State of Mississippi v. Brandon Gregory Case and Gregory Charles Case* and
- Exhibit 2: Docket report as of March 16, 2023 in Cause No. 2022-cr-00159 in the Circuit Court of Lincoln County, Mississippi styled *State of Mississippi v. Brandon Gregory Case and Gregory Charles Case*.

Respectfully submitted on this, the 30<sup>th</sup> day of March, 2023.

GREGORY CASE, Defendant

By: The Stubbs Law Firm, PLLC

By: s/Kannan Stubbs  
Counsel for Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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Further, I hereby certify that I have this day delivered by hand-delivery, U.S. Mail and/or electronic transmission the foregoing document to the following non-ECF participants:

None

So certified on March 30, 2023.

s/ Kannan Stubbs  
KANNAN STUBBS (MSB#103492)